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OFFICE OF PETITIONS

In re Application of
Bots, et al.
Application No. 09/710,691
Filed: November 9, 2000
Attorney Docket No. 21055-701

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 22, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 23, 2001, which set a shortened statutory period for reply of three (3) months. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on June 24, 2001. A Notice of Abandonment was mailed on October 9, 2001.

It is noted that petitioner requested an extension of the time set for reply within the third month on August 10, 2001. Petitioner is advised, however, that the request was made outside the maximum allowable period set for reply. See 37 CFR 1.134. Therefore, the requested extension of time cannot be granted and petitioner will be refunded the \$920.00 fee associated therewith, in due course.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If

such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being forwarded to Technology Center 2100 for review of the reply filed on January 22, 2002.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0010.



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